

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KATHLEEN M. DVORAK

Petitioner,

v.

FEDERAL BUREAU OF PRISONS

Respondent.

Case No. 3:23-cv-2947-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on a petition for writ of habeas corpus (Doc. 1) under 28 U.S.C. § 2241. On August 29, 2023, Kathleen M. Dvorak—a federal inmate (#14808-025) at F.C.I. Pekin Satellite Prison Camp—filed this § 2241 petition *pro se*. The petitioner claims she has been improperly denied First Step Act Time Credit and has exhausted all administrative remedies. *Id.* The Court concludes that the § 2241 petition survives preliminary review and orders the Warden to respond on or before October 2, 2023.

An inmate may challenge the fact or duration of their confinement under 28 U.S.C. § 2241. *Preiser v. Rodriguez*, 411 U.S. 475, 490 (1973). This includes claims for improper sentence computation under 18 U.S.C. §§ 3584 and 3585. *See Pope v. Perdue*, 889 F.3d 410 (7th Cir. 2018). Under the First Step Act of 2018, Pub. L. No. 115-391, (FSA) “eligible inmates earn FSA Time Credits toward prerelease custody or early transfer to supervised release for successfully completing approved Evidence-Based Recidivism Reduction (EBRR) Programs or Productive Activities (PAs).” 28 C.F.R. § 523, 541 (2022). Because FSA Time Credits may reduce an inmate’s sentence, the Court finds that an improper FSA Time Credit calculation is challengeable as an improper sentence calculation under *Pope v. Perdue*, 889 F.3d at 410.

Without commenting on the merits of the petitioner's claims, it is not plainly apparent that the petitioner is not entitled to habeas relief. Therefore, the Court concludes that the petition survives preliminary review under Rule 4.

IT IS THEREFORE ORDERED that the Warden shall respond on or before **October 2, 2023**. This order does not preclude the respondent from raising any defenses or objections they may wish to raise. Service upon the United States Attorney for the Southern District of Illinois—750 Missouri Avenue, 3rd Floor, East St. Louis, Illinois 62201—shall constitute sufficient service.

The petitioner is **ADVISED** of her continuing obligation to keep the Clerk and opposing parties informed of any change in her whereabouts while this action is pending. Any notification must be in writing no later than 7 days after a transfer or other change in address. Failure to provide notice may result in dismissal of this action. *See* Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

DATED: September 5, 2023

s/J. PHIL GILBERT
J. PHIL GILBERT
DISTRICT JUDGE